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10/816,448

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EXAMINER

SY, MARIANO ONG

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RALF AUMULLER, SIEGFRIED HEER, and JOACHIM NOCKER

Appeal No. 2008-0097
Application No. 10/816,448
Technology Center 3600

Decided: February 29, 2008

Before WILLIAM F. PATE, III, TERRY J. OWENS and JOHN C. KERINS,
Administrative Patent Judges.

OWENS, *Administrative Patent Judge.*

DECISION ON APPEAL

The Appellants appeal from a rejection of claims 1-20, which are all of the pending claims.

THE INVENTION

The Appellants claim a compressed air processing system having a parking brake connection. Claim 1 is illustrative:

1. A compressed air processing system, comprising:

an inlet connection, said inlet connection being designed and arranged to be connected to a conduit being connected to a compressor;

a pressure control unit;

a multi-circuit protection valve;

a plurality of outlet connections, each of said outlet connections being designed and arranged to be connected to a circuit;

a parking brake connection, said parking brake connection being designed and arranged to be connected to a conduit being connected to a parking brake cylinder;

an electronic control unit, said electronic control unit including an electric input connection for a control signal;

a valve arrangement,

said valve arrangement being designed and arranged to aerate and lock said parking brake connection in a controlled way due to a signal being generated by said electronic control unit, and

said valve arrangement being designed and arranged to deaerate said parking brake connection due to a signal being generated by said electronic control unit; and

a common housing on which said inlet connection, said plurality of outlet connections and said parking brake connection are arranged and within which said pressure control unit, said multi-circuit protection valve, said electronic control unit and said valve arrangement are disposed.

THE REFERENCES

Blanz (as translated)
Hilberer

DE 196 38 226 C1
US 6,540,308

Feb. 12, 1998
Apr. 1, 2003

THE REJECTIONS

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) over Blanz and over 35 U.S.C. § 102(e) over Hilberer.

OPINION

We reverse the Examiner's rejections.

We need to address only the independent claims, i.e., claims 1 and 11.

Those claims require a valve arrangement designed and arranged to both aerate and

lock, and deaerate, a parking brake connection in a controlled way due to a signal being generated by an electronic control unit, and a common housing in which the valve arrangement and a pressure control unit, a multi-circuit protection valve and the electronic control unit are disposed.

The Examiner has the initial burden of establishing a prima facie case of anticipation by pointing out where all of the claim limitations appear in a single reference. *See In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990); *In re King*, 801 F.2d 1324, 1327 (Fed. Cir. 1986).

Rejection over Blanz

The Examiner argues (Ans. 4):

Blanz disclosed, as shown in fig. 1, valve 23” and brake valve 31 formed a valve arrangement. At least one valve 23” of the valve arrangement is within a common housing. The valve 23” together with safety valve 29” and in combination with brake valve 31 are arranged to aerate and lock and also arranged to deaerate the parking brake connection in a controlled way due to signal being generated by electronic control unit.

Hand brake valve 31, as shown in Blanz’s figure 1, is outside housing 1.

As pointed out by the Appellants (Reply Br. 3),

all claims of the present application require that ‘said valve arrangement’ be disposed within the common housing. The claims do not require that a portion of, or even the at least a portion of, said valve arrangement be disposed within the common housing. Rather, the claims require that said valve arrangement be disposed within the common housing.

Because the Examiner has not established that Blanz discloses a valve arrangement disposed within a common housing together with the Appellants’ recited pressure control unit, multi-circuit protection valve and electronic control unit, the Examiner has not established a prima facie case of anticipation by Blanz

of the inventions claimed in the Appellants' independent claims 1 and 11 or their dependent claims.

Rejection over Hilberer

The Examiner argues (Ans. 4):

Hilberer disclosed, as shown in fig. 3, valve 8a and parking brake system FBA formed a valve arrangement. At least one valve 8a of the valve arrangement is within a common housing. The valve 8a together with safety valve 12 and in combination with parking brake system FBA are arranged to aerate and lock and also arranged to deaerate the parking brake connection due to signal being generated by electronic control unit.

Parking brake system FBA, as shown in Hilberer's figure 3, is outside common housing 3.

As pointed out by the Appellants, "even if the Examiner's interpretation were correct (i.e., that the claimed 'valve arrangement' included parking brake system FBA, valve 8a and safety valve 12), only a portion of 'the valve arrangement' would be disposed within the common housing, not 'said valve arrangement' as required by all claims" (Reply Br. 4).

Because the Examiner has not established that Hilberer discloses a valve arrangement disposed within a common housing together with the Appellants' recited pressure control unit, multi-circuit protection valve and electronic control unit, the Examiner has not established a prima facie case of anticipation by Hilberer of the inventions claimed in the Appellants' independent claims 1 and 11 or their dependent claims.

DECISION

The rejections of claims 1-20 under 35 U.S.C. § 102(b) over Blanz and under 35 U.S.C. § 102(e) over Hilberer are reversed.

REVERSED

Appeal 2008-0097
Application 10/816,448

JRG

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